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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Report of the High Commissioner for Human Rights pursuant to Commission on Human Rights resolution 2000/24

Situation of human rights in Sierra Leone

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I. INTRODUCTION

1. In its resolution 2000/24, the Commission on Human Rights requested the High Commissioner for Human Rights to report to the Commission at its fifty-seventh session on the human rights situation in Sierra Leone, including with reference to reports from the United Nations Mission in Sierra Leone (UNAMSIL).

2. The Security Council, in its resolution 1321 (2000) of 20 September 2000, extended the mandate of UNAMSIL until 31 December 2000. The operational/functional mandate of UNAMSIL as established by the Security Council through its resolutions 1289 (2000) of 7 February 2000 and 1270 (1999) of 22 October 1999, and reiterated in resolution 1313 (2000) of 4 August 2000, include the following priority tasks:

(a) To maintain the security of the Lungi and Freetown peninsulas, and their major approach routes;

(b) To deter and, where necessary, decisively counter the threat of Revolutionary United Front (RUF) attack by responding robustly to any hostile actions or threat of imminent and direct use of force;

(c) To deploy progressively in a coherent operational structure and in sufficient numbers and density at key strategic locations and main population centres and, in coordination with the Government of Sierra Leone, to assist, through its presence and within the framework of its mandate, the efforts of the Government of Sierra Leone to extend State authority, restore law and order and further stabilize the situation progressively throughout the entire country and, within its capabilities and areas of deployment, to afford protection to civilians under threat of imminent physical violence;

(d) To patrol actively on strategic lines of communication, specifically main access routes to the capital, in order to dominate ground, ensure freedom of movement and facilitate the provision of humanitarian assistance;

(e) To assist in the promotion of the political process leading, inter alia, to a renewed disarmament, demobilization and reintegration programme where possible.

3. In its resolution 1315 (2000) of 14 August 2000, the Security Council, taking note of a plea from the President of Sierra Leone in a letter to the Secretary-General, requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court and recommended that the court should have jurisdiction over persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within Sierra Leone. The Security Council also requested the Secretary-General to submit a report to it on the implementation of the resolution, in particular on his consultations and negotiations with the Government of Sierra Leone. The Secretary-General was further requested by the Council to report on questions relating to the nature and jurisdiction of the special court, its organizational structure and practical aspects of its establishment and functioning.

4. In paragraph 22 of resolution 1289 (2000) of 7 February 2000, the Security Council requested the Secretary-General to continue to report to the Council every 45 days to provide, inter alia, assessments of security conditions on the ground so that troop levels and the tasks to be performed by UNAMSIL could be kept under review.

II. HUMAN RIGHTS SITUATION

A. Reports of the Secretary-General to the Security Council

5. Since the High Commissioner submitted her previous report to the Commission on the human rights situation in Sierra Leone (E/CN.4/2000/31 of 22 December 1999), the Secretary-General has submitted the following eight reports, two additional reports and a letter on Sierra Leone to the Security Council: S/1999/1223 of 6 December 1999, S/2000/13 of 11 January 2000 and Add.1 of 21 January 2000, S/2000/186 of 7 March 2000, S/2000/455 of 19 May 2000, S/2000/751 of 31 July 2000, S/2000/832 of 24 August 2000 and Add.1 of 12 September 2000, S/2000/915 of 4 October 2000, S/2000/1055 of 31 October 2000 and S/2000/1199 of 15 December 2000.

6. In his reports of 6 December 1999, 11 January 2000 and 7 March 2000, the Secretary-General observed that the human rights situation remained grave. Arbitrary executions, rape, abduction and looting continued. The Secretary-General also remarked that the security situation in Sierra Leone remained a matter of serious concern, particularly in Port Loko area, where civilians living in ex-Sierra Leone Army (ex-SLA) controlled areas were still being abducted, raped and harassed, their property looted and homes burnt down. The Secretary-General warned the perpetrators that their actions were not covered by the amnesty under the Lomé Peace Agreement and they should therefore be held accountable. Violations and abuses remained rife in Revolutionary United Front (RUF)-controlled areas. The RUF had harassed civilians, imposed illegal taxes, used children as combatants, abducted men, women and girls and detained many in their illegal detention centres. The efforts of the Committee for the Release of Prisoners of War and Non-Combatants, chaired by UNAMSIL, to secure the release of a large number of abductees still held by RUF and ex-SLA elements remained ineffective due to lack of cooperation by RUF and ex-SLA. On a positive note, the Secretary-General reported that, through the efforts of UNAMSIL, ex-SLA elements and the RUF had released approximately 1,400 adults and children.

7. Human rights assessment missions in Port Loko, Makeni, Magburaka, Kabala, Kenema and Daru found an amelioration of the human rights situation in those areas where United Nations troops and military observers had been deployed. This is often the result of improved security conditions. The Secretary-General also referred to the launching by the UNAMSIL human rights section of a specialized training programme for national human rights monitors, police officers and UNAMSIL military personnel.

8. The relative improvement in the human rights situation was severely eroded with the resumption of armed confrontations in early May 2000. The deterioration resulted from unprovoked armed attacks on United Nations peacekeepers, the detention of several hundred United Nations personnel and the destruction of disarmament and demobilization camps by RUF fighters. In the context of the escalation of fighting once again in May 2000, all sides in the

conflict - the RUF and rebel militias, and, increasingly, elements of pro-government forces - committed crimes against the civilian population, including widespread mutilations, as well as sexual assault and rape of women. In his report of 19 May 2000, the Secretary-General expressed concern over serious human rights and international humanitarian law violations committed during the fighting in May 2000 by the RUF and the Armed Forces Revolutionary Council (AFRC)/ex-SLA. He called upon all parties to the conflict to refrain from such acts and work to restore respect for the rule of law throughout the nation.

9. The human rights situation in parts of the country, especially those areas not under the control of the Government, remained grave. The RUF and AFRC/ex-SLA had abducted civilians and used them for hard labour in palm oil plantations. There were also reports of activities disruptive of and/or resulting in the denial of access to humanitarian assistance. For instance, on 7 May 2000, the RUF had detained national and international aid workers in Alikalia, thus impeding humanitarian operations in the area. The Secretary-General also reported that the ex-SLA had harassed civilians and looted villages in Kabala. Meanwhile, dependants of ex-combatants, the majority of them women and children, expressed the need for special measures that would guarantee their safety. Most of these women and children had been abducted and would not freely express their wish to return to their original families in front of their AFRC/ex-SLA captors.

10. The report identified the protection of internally displaced persons (IDPs) as a matter of urgent concern. In Port Loko, IDPs who strayed away from the safe areas to meet their daily needs had often ended up being abducted, raped and forced to work for their captors. Humanitarian organizations estimate that the resumption of conflict in early May generated between 140,000 and 150,000 new IDPs. Thousands fled south from Lunsar, Makeni, Magburaka and adjoining areas towards the Masiaka-Mile 91 road, into Port Loko, Lungi, Mile 91 and surrounding villages.

11. The resumption of conflict in May 2000 was again characterized by the extensive use of child combatants. On 15 May, human rights officers on a visit to Masiaka had observed several armed child combatants between the ages of 7 and 14 years with the Civil Defence Force (CDF), AFRC/ex-SLA and the Sierra Leone Army. The RUF had also been known to use a larger proportion of children than the other militia within their fighting ranks. Some of the recruitment was coerced and others who joined "voluntarily" did so in circumstances that left them with no choice. On 31 May, the RUF reportedly killed a man and two boys in Maforay village near Port Loko after they refused to enlist. In early May, RUF commanders positioned vehicles at the gates of CARITAS-Makeni Interim Care Centre (ICC) in Makeni to urge boys to rejoin using a mixture of enticement and threat. According to the estimates of ICC staff, 25 to 30 boys from 14 to 17 years of age rejoined RUF. A 15-year-old boy reported that after his second recruitment at the gates of ICC, he had been a loader of a twin-barrelled truck-mounted anti-aircraft gun on the frontline. It appeared that a critical element of their decision to rejoin was the shortage of food at the Centre and the prospect of avoiding starvation through serving the RUF. On a positive note though, the Secretary-General, noted in his report that 1,700 child combatants out of an estimated 5,000 had joined the disarmament, demobilization and reintegration programme. Through the efforts of UNICEF, some children had already been reunified with their families.

12. In his report of 31 July 2000, the Secretary-General highlighted the human rights implications of the continued fighting for the civilian population. By interviewing newly arrived internally displaced persons at Mile 91 and in Port Loko, UNAMSIL had been able to document instances of summary executions and some new cases of amputations of civilians by the RUF. There were also credible allegations of people having been executed by the RUF "Small Boys Units" on suspicion of desertion or reluctance to fight for the group. Women and girls had continued to suffer gender-specific abuses. They had been abducted, beaten and forced to submit to their captors as "wives". Many women had, as a result of rape, contracted sexually transmitted diseases. It was difficult to ascertain the number of such victims since many suffered in silence for fear of stigmatization.

13. Attacks by government-operated helicopter gunships, according to eyewitness reports, had caused casualties among civilians. Following air attacks on Makeni and Magburaka between 31 May and 7 June, at least 20 civilians, including women and children, had been killed. The Secretary-General also reported that the Civil Defence Force (CDF) had committed extrajudicial killings, used children as soldiers and mistreated RUF detainees/prisoners under their custody. At Bo and Port Loko, UNAMSIL had paid special attention to the treatment of RUF personnel detained by the Government and government-allied forces. Suspected RUF members at Mile 91, in order to avoid reprisals by the Civil Defence Forces, had surrendered to the police in fear for their lives.

14. According to human rights reports from UNAMSIL, persistent fighting during the period was characterized by violations of human rights and humanitarian law. The reports documented cases of extrajudicial executions, mutilation, torture, abduction, forced recruitment and use of children and adults as soldiers, forced labour, wanton destruction and looting of civilian property and the massive internal displacement of persons. At the onset of the May crisis, rebels in Makeni attacked and killed four United Nations peacekeepers. In an incident on 8 May, supporters of Foday Sankoh, the RUF leader, shot at peaceful demonstrators in front of his house, killing about 20 and injuring 74 others. Eyewitness accounts also relate consistent stories of extrajudicial executions by the RUF during the period. For instance, in a case near Makumrie, an alleged RUF group executed a man and disembowelled his pregnant wife, killing her and the foetus. In June, three males were beaten to death with sticks by RUF elements in Bakelol village in Port Loko district. A 19-year-old woman reported the extrajudicial execution of her husband and co-wife and the mutilation of three abducted children in early May near Makeni. A 12-year-old girl interviewed by a UNAMSIL human rights officer at Connaught Hospital in Freetown reported the amputation of the hands of seven female civilians by the RUF at Mange. The rebels also broke her upper arm, which became badly infected. As she was only able to seek medical attention a month after the incident, her upper arm had to be amputated.

15. Human rights assessment missions conducted by the human rights section of UNAMSIL in the aftermath of the resumption of conflict in May reported several cases of rape and sexual abuse of women, a hallmark of the Sierra Leone conflict. Five women from Kampa (near Rogberi Junction) were abducted by RUF elements and raped in May. Three of the women interviewed were lactating at the time of the incident and two had to leave their babies with family members. The women were beaten with rifles. During a period of three days, six different men had raped one of the women who were interviewed. Two different men raped another of the women twice. In Makeni, a nurse reported that 20 cases of rape, including of girls

under 18, had been treated in April and May at the local clinic. Another government health worker had treated 19 cases of rape of girls under 18 in the Mile 91 area. Medical sources indicated that most women IDPs had contracted sexually transmitted diseases (STDs), frequently as a result of rape.

16. The Sierra Leone problem appeared to have taken a disturbing regional dimension when refugees from Sierra Leone (and also Liberia) in Guinea became victims of violence in the aftermath of tension originating from cross-border incursions into Guinea blamed on Liberia and the RUF. Many refugees and displaced persons fled Guinea to sections of the Lungi peninsula as they were subjected to continuous harassment while living within Guinean borders. In his report of 31 October 2000, the Secretary-General expressed concern over the human rights situation that prevailed along the Sierra Leone-Guinea border.

17. Within Sierra Leone, particularly in Port Loko and Kambia, civilians continued to be abducted, forcefully recruited into fighting forces and their properties looted by RUF elements. Human rights abuses perpetrated by the West Side Boys (WSB) in the Occra Hills area appeared to drop significantly following the 10 September 2000 British operation to rescue United Kingdom army personnel detained by the WSB, then occupying areas around the Occra Hills. However, there had been reports that the Gbetis, a government-allied CDF deployed in areas formerly occupied by the West Side group, had also committed human rights abuses against civilians, particularly in southern and eastern regions. The Gbetis had carried out summary executions, arbitrarily detained civilians, and extorted money and valuables at checkpoints. Such abuses had occurred despite orders issuing from the national Civil Defence leadership warning CDF rank and file members against such behaviour. The activities of the CDF have caused a rift between them and civilian police forces.

18. The Secretary-General also provided information on the outcome of the prison assessment missions conducted by the UNAMSIL human rights section in Freetown, Bo and Kenema prisons. Generally, prison conditions were assessed as not adequate, but there was no evidence of physical mistreatment of prisoners or detainees. Some children detained in Freetown Central Prison bore signs of serious skin diseases. WHO and UNICEF had taken up the matter with the prison medical authorities. Some concerns had been expressed regarding the condition of the so-called "political" detainees. They had been denied access to the outside world since their detention following the disruptions in May 2000. They did not have access to legal assistance and have not been informed of their status. No further detainees had been released since the release in August 2000 of 200 suspected members of the RUF and members of other fighting forces.

19. The resumption of armed conflict since May 2000 has reinforced the divisions within the country between rebel RUF-controlled areas - approximately 70 per cent of the territory - and areas under government control. The concomitant denial of access to the former remains a major constraint for any independent first-hand assessment of the human rights situation therein. However, information gathered from IDPs fleeing the rebel RUF-held areas suggest that the human rights situation remains of serious concern. For its part, the Government is pursuing a two-track approach based on military and political action to end the hostilities. It arrested the former rebel leader, Foday Sankoh, and is preparing to put him on trial. On 10 November 2000, the Government signed the Abuja Agreement, a ceasefire agreement, with the RUF led by an

interim leader, Issa Sesay (see S/2000/1091). The agreement provided for a monitoring role for UNAMSIL, full liberty for the United Nations to deploy nationwide and unimpeded movement of humanitarian workers, goods and people throughout the country. It also provided for the return to UNAMSIL of weapons and other equipment seized by RUF, the immediate resumption of the programme of disarmament, demobilization and reintegration (DDR), and a review of the implementation of the agreement after 30 days. Although there are no direct negotiations between the Government and the RUF, UNAMSIL has recommenced regular contacts and confidence-building measures, resulting in the RUF returning some equipment seized from UNAMSIL.

B. The independent special court

20. In resolution 1315 (2000) of 14 August 2000, the Security Council requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court. The court would have subject matter jurisdiction over crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone. Pursuant to this resolution, the Secretary-General, in his report of 4 October 2000 (S/2000/915), informed the Security Council that negotiations on the establishment of the independent special court had been held with the Government of Sierra Leone in both New York and Freetown. From 18 to 20 September 2000, a United Nations team visited Freetown. The team had met with the President of Sierra Leone, senior government officials, members of the judiciary and the legal profession, the Ombudsman, members of civil society, national and international non-governmental organizations and child protection agencies involved in the rehabilitation of child ex-combatants. The team also met with an OHCHR mission in Freetown regarding the establishment of the truth and reconciliation commission (TRC). Following the above-mentioned consultations, the Secretary-General proposed the legal framework and practical arrangements for the establishment of the special court (see S/2000/915).

21. In the above-mentioned report the Secretary-General highlighted the important roles of the independent special court and the TRC in ending impunity and promoting respect for the rule of law. Together, they will help bring closure to victims of human rights abuses.

22. In a subsequent exchange of letters, the President of the Security Council on 22 December 2000 (S/2000/1234) and the Secretary-General on 12 January 2001 acknowledged the important role the TRC would play regarding juvenile offenders. To that end, the United Nations would be collaborating with the Government of Sierra Leone and other relevant actors to develop suitable institutions, including specific provisions relating to children. In the context of its assistance to the establishment of the TRC, OHCHR, in collaboration with the Office of Legal Affairs, is preparing a consultative process to clarify the precise relationship between the TRC and the court (see sect. III.A below).

23. The President of the Security Council in his letter requested some adjustments to the draft statute of and agreement on the court in line with its comments. In this regard, he requested that the court should exercise personal jurisdiction over persons who bear the greatest responsibility - in other words, those who played leadership roles - for the commission of crimes within its subject matter jurisdiction. The Security Council recommended funding by voluntary

contributions. In recognition of the risks involved in commencing the operation of the special court on the sole basis of prospects of voluntary contributions, the Council proposed that the process of establishing the court should not commence until the United Nations Secretariat had obtained adequate funds to finance the establishment of the court and 12 months of the court's operation, and pledges to cover projected expenses for the second 12 months.

C. Children and armed conflict

24. In accordance with General Assembly resolution 53/128, the Special Representative of the Secretary-General on children and armed conflict, Mr. Olara Otunnu, submitted an additional report to the Commission at its fifty-sixth session (E/CN.4/2000/71). In an annex to this report, Mr. Otunnu stated that during his mission to Sierra Leone in August and September 1999, he had visited war affected populations in the vicinity of Freetown and the region of Bo, several IDP camps and vocational training centres. He had visited the Family Home Care Centre for Child Combatants in Lakka on the outskirts of Freetown where he met a cross section of children, many of whom were seriously traumatized. These included: a 15-year-old mother who had recently been released from behind rebel lines; orphaned children between the ages of 3 and 4; and ex-child combatants between the ages of 12 and 16.

25. The Special Representative relayed several disturbing experiences, including his visit to the Murray Town Camp for Amputees in Freetown. The camp accommodates and provides rehabilitation training to some 260 victims of amputations and 100 war wounded, many of whom are children. The youngest child he met, Abu, then 10 months old, had had his legs cut off by rebels when he was just two months old. The Special Representative stated that many children had been deliberately maimed, their limbs brutally cut off. In the month of January 1999 alone over 4,000 children were abducted during the incursion of the RUF and the AFRC into Freetown. He indicated that informed estimates suggested that 60 per cent of the abducted children were girls, most of whom had been sexually abused. According to his report, thousands of children have been serving as soldiers in the three main fighting groups, the RUF, AFRC/ex-SLA and the CDF. Over 3 million Sierra Leoneans, more than 60 per cent of them children - two thirds of the total population - have been internally displaced by war or are refugees outside Sierra Leone. Among them are some 10,000 children who have been separated from their parents. Several thousand children have been orphaned. There are more than 3,000 "street children" in Freetown alone and many children are suffering from serious psychosocial trauma.

D. Violence against women/extrajudicial, summary or arbitrary executions

26. The Special Rapporteur on violence against women, Ms. Radhika Coomaraswamy, concerned by the massive abuse and rape of women in the context of the Sierra Leone conflict, requested to visit the country, but has yet to receive any response from the Government. The Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, is also still awaiting the response of the Government of Sierra Leone to her request to visit the country.

E. Contemporary forms of slavery

27. The Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on contemporary forms of slavery, Ms. Gay J. McDougall, in her report to the Sub-Commission of 6 June 2000 (E/CN.4/Sub.2/2000/21) stated that she had participated in a mission to Sierra Leone in June 1999 at the invitation of the High Commissioner for Human Rights. The Lomé Peace Agreement had brought about a relative reduction in many of the worst abuses. Notwithstanding, the sexual assault against women and girls continued unabated. Indeed, that pattern of violation had escalated in the context of the resumption of armed conflict in May 2000. All the fighting forces, especially the rebel RUF militia, had committed crimes against the civilian population, including widespread rape, sexual assault and mutilation of women. Many of the rapes took place when the victims were abducted and forced to become sexual partners of their captors. Girls as young as 10 years old, were abducted by rebel forces and forced to become sexual slaves.

F. Freedom of expression

28. Although the Special Rapporteur on the freedom of opinion and expression, Mr. Abid Hussain, did not send any communication to the Government of Sierra Leone in 2000, the situation of freedom of expression in the country is a matter of concern to him. In the context of the resumption of hostilities, Sierra Leone is considered by many international NGOs to be one of the most dangerous countries in the world for journalists. In 1999, 10 journalists were killed in Sierra Leone. In 2000, rebel RUF forces killed three journalists in the country.

III. HUMAN RIGHTS ACTIVITIES OF THE UNITED NATIONS IN SIERRA LEONE

29. The United Nations Mission in Sierra Leone (UNAMSIL) was established pursuant to Security Council resolution 1270 (1999) of 26 October 1999, as successor to the United Nations Observer Mission in Sierra Leone (UNOMSIL), which had been established in 1998 pursuant to Security Council resolution 1181 (1998). Mr. Oluyemi Adeniji, the Special Representative of the Secretary-General is the head of the United Nations Mission. With military and civilian components, UNAMSIL has a multidisciplinary mandate to cooperate with the Government of Sierra Leone and other parties to the Lomé Peace Agreement in its implementation of the Lomé Agreement and to assist in the disarming, demobilization and reintegration of ex-combatants.

30. The relationship between OHCHR and UNAMSIL emanates from the Memorandum of Understanding between OHCHR and the Department of Peace-keeping Operations of the United Nations. This relationship is further strengthened by the terms of the Sierra Leone Human Rights Manifesto adopted in June 1999 during the visit of the High Commissioner (see E/CN.4/2000/31, para. 26).

31. After the signing of the Lomé Peace Agreement, the Security Council authorized the assignment of another nine officers to the previous five-officer Human Rights Section. The human rights mandate of UNAMSIL has been adapted to the complex situation in the country and focuses on four areas: monitoring, reporting, intervention and technical cooperation. The Section has developed a mechanism for tracking implementation of the human rights elements of

the Lomé Peace Agreement. At the time of the resumption of conflict in early May 2000 and the partial evacuation of international personnel, and on the guidance of OHCHR headquarters, the UNAMSIL Human Rights Section retained a substantial presence on the ground to monitor violations of human rights and humanitarian law. The Section issues internal weekly and monthly reports that are widely circulated within the United Nations system. Additionally, it publishes a periodic newsletter that discusses human rights issues in Sierra Leone. At various levels and with various actors, UNAMSIL undertakes interventions on individual and thematic human rights concerns.

32. Under the general guidance of OHCHR headquarters, the Human Rights Section plays an important role in identifying human rights issues relevant to the humanitarian community and the United Nations agencies active in Sierra Leone. The Section, in collaboration with the United Nations agencies, and local and international NGOs, established a Sierra Leone human rights committee, which meets fortnightly, providing a forum for consultations and the exchange of ideas and information between human rights and humanitarian actors. To promote local capacity, the Section works alongside human rights NGOs, including the umbrella organization of the local human rights community, the National Forum for Human Rights, on joint projects, including providing training programmes and much needed assistance to the local NGOs and the wider civil society. The Human Rights Section has also been active in providing regular human rights training for the law enforcement agencies, new UNAMSIL peacekeepers, military observers and civilian police. It is currently providing human rights training for the newly trained Sierra Leonean Army. During the year, approximately 1,500 local police officers also benefited from this training exercise. To standardize police training and adapt it to the Sierra Leone environment, the Section has finalized arrangements to produce a training manual for the police.

33. The increased operational capacity of the Human Rights Section will improve its potential to ensure the successful implementation of the UNAMSIL human rights projects contained in the Consolidated Inter-Agency Appeal for Sierra Leone in 2001. These projects, to be implemented in cooperation with OHCHR, consist of: (a) the creation of a human rights information/documentation centre; (b) data collection and analysis: conflict related rape and sexual abuse; (c) the provision of technical assistance to the judicial system; (d) strengthening of national human rights NGO capacities.

34. The Section also provides support on the ground to the commitment of OHCHR to assist the establishment of a national human rights commission and a truth and reconciliation commission.

35. During the year and especially following the resumption of armed conflict in Sierra Leone in May 2000, the High Commissioner called on several occasions for the provision of international support to the people of Sierra Leone, an end to violence, and reconciliation and justice for the victims of human rights violations. The High Commissioner's report to the General Assembly (A/55/36), statement to the Third Committee of the General Assembly on 24 October 2000 and briefing of the informal session of the Commission on Human Rights on 15 September 2000 contained references to the human rights situation in Sierra Leone.

36. During the initial period of the resumption of armed conflict in May 2000, OHCHR established a Sierra Leone task force in Geneva to link with its UNAMSIL Human Rights Section in its response to the human rights related aspects of the conflict. OHCHR has designed, within the unit, specialist positions focusing on Sierra Leone's most pressing human rights needs, including children's rights, gender issues, training, the rule of law and capacity building for civil society and national institutions. In order to provide a practical opportunity for the victims of the Sierra Leone crisis to rebuild their lives and communities, the Voluntary Fund for Victims of Torture has set aside an amount of $300,000 for emergency assistance for victims of torture in countries where assistance is lacking. Under this programme, high priority is given to victims of amputation and mutilation in Sierra Leone.

37. OHCHR provided assistance in the establishment of a truth and reconciliation commission (TRC) and is assisting the process of establishing a national human rights commission, as stipulated in the Lomé Peace Agreement. The Office is cooperating with the Office of Legal Affairs of the United Nations to ensure that the independent special court to be established will comply with established international human rights standards. In this context also, OHCHR and the Office of Legal Affairs as the offices responsible for United Nations assistance for the establishment and functioning of the TRC and the Court respectively, have commenced a process of consultation aimed at clarifying the relationship between the two institutions. This process, it is believed, will prepare the groundwork for the two institutions to cooperate in a complementary and mutually supportive manner, fully respectful of their different but related functions.

A. Establishment of a truth and reconciliation commission

38. Consistent with Commission on Human Rights resolution 2000/24, the Lomé Peace Agreement and undertakings under the Sierra Leone Human Rights Manifesto, OHCHR provided technical assistance to the Government of Sierra Leone in drafting the Truth and Reconciliation Commission Act. The Act, approved by the Parliament on 22 February 2000, reflected the best international practice on the subject. According to the Act, the Commission should provide an impartial historical record of violations and abuses of human rights and international humanitarian law related to the conflict, address impunity and respond to the needs of victims. It should also aim to promote healing and reconciliation and prevent a repetition of the violations and abuses. Accordingly, OHCHR has developed a project for the preparatory phase of the TRC. The implementation of this project was temporarily delayed due to the events of May 2000. It has since recommenced with the development of an updated programme of support to the TRC process in Sierra Leone. The High Commissioner and the Special Representative of the Secretary-General have already recommenced the process of selecting the international and national commissioners respectively for the Commission, as required under the TRC Act.

39. OHCHR and UNAMSIL jointly organized an international workshop on the truth and reconciliation commission in Freetown on 16 and 17 November 2000. It was attended by representatives of the Government of Sierra Leone, including the Vice-President, who opened the workshop, and five cabinet ministers, the Special Representative of the Secretary-General, Ambassador Oluyemi Adeniji, officials of various diplomatic missions, religious leaders, representatives of NGOs and paramount chiefs.

40. In a communiqué, the workshop participants urged that preparations for the TRC should go forward, and expressed the view that the commission could exist side by side with the special court and that the two initiatives should complement each other. They also recommended a comprehensive public awareness campaign on the commission within Sierra Leone and among Sierra Leonean refugees. Participants also recognized that the TRC could potentially contribute to the implementation of other peace-building initiatives in Sierra Leone including programmes for disarmament, demobilization and reintegration, resettlement, reconstruction and rehabilitation and the release of the abducted, as well as respect for human rights.

41. Participants in the workshop also recommended that:

(i) A consultative process should be put in place to work out the relationship between the TRC and the special court, with particular emphasis on the question of timing;

(ii) A working group be convened of experts on children's rights, juvenile rehabilitation and related issues to develop proposals for the TRC on how to deal with those matters;

(iii) A comprehensive public awareness campaign on the TRC be commenced immediately;

(iv) The identification of national and international commissioners be started as soon as possible;

(v) The TRC process should take full cognisance of traditional reconciliation processes.

42. To lay the foundation for the work of the TRC and to ensure ownership of the process by Sierra Leoneans, OHCHR has commissioned a local NGO to carry out research on traditional methods of conflict resolution and reconciliation in Sierra Leone. In the context of its assistance to the establishment of a properly formatted TRC in Sierra Leone OHCHR is working in collaboration with UNAMSIL and other relevant partners to ensure the timely implementation of the recommendations of the international workshop on the TRC. OHCHR will continue to support the truth and reconciliation process, as well as the steps leading to the establishment of the commission, as envisaged in the Lomé Peace Agreement. It stands ready to provide further assistance to the commission once it is established.

B. Human rights commission

43. OHCHR, through its UNAMSIL Human Rights Section has worked with the Government of Sierra Leone in the preparation of legislation for the human rights commission and in discussing modalities for the creation of the institution. Following two visits to Sierra Leone during 1999 by the High Commissioner's special adviser on national institutions, a national institutions specialist was deployed within the Human Rights Section to provide technical assistance and support during the establishment phase of the national human rights commission.

44. Because of the renewal of hostilities in May 2000, endeavours to establish the Commission were temporarily suspended. The process resumed late in the year with the holding on 15 and 16 December 2000 of the Workshop on the Establishment of the Sierra Leone Human Rights Commission. The workshop was organized by OHCHR in collaboration with the UNAMSIL Human Rights Section and the National Forum for Human Rights. The workshop was attended by 40 participants representing all sectors and regions in Sierra Leone, as well as the chairpersons of the national human rights commissions of Ghana and Uganda. During his opening statement, the Minister of Presidential Affairs reiterated the Government's commitment to the establishment of the commission. The Attorney-General and Minister of Justice introduced the draft founding legislation for discussion and comment. The workshop supported the establishment, by act of Parliament as soon as possible, of an independent, adequately funded national human rights commission. A committee, including UNAMSIL representation, was established to finalize comments on the draft legislation and forward them to the Government.

IV. CONCLUSIONS

45. The needs of Sierra Leone call for an enormous programme of international support and assistance. The United Nations must continue to play a central role in this regard. OHCHR is convinced that, just as the violation of human rights is at the root of the conflict in Sierra Leone, respect for human rights should form the cornerstone of any viable effort to restore Sierra Leone society. In this context, OHCHR will continue to assist in building national capacities in the area of human rights, the rule of law, and democracy. This will include technical assistance for the establishment of a truth and reconciliation commission and a national human rights commission; capacity building through training for law enforcement authorities; support for the local human rights community; and programmes to rehabilitate war victims, especially women and children. OHCHR continues to count on the support of member States in the implementation of its Sierra Leone programme.

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